UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1995/789
14 September 1995

ORIGINAL: ENGLISH

Czech Republic, France, Germany, Italy, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its earlier relevant resolutions, and in particular resolutions 943 (1994) of 23 September 1994, 970 (1995) of 12 January 1995, 988 (1995) of 21 April 1995 and 1003 (1995) of 5 July 1995,

Calling upon all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region,

Noting the measures taken by the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the annex to the Secretary-General's letter of 6 September 1995 to the President of the Security Council (S/1995/768), to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs and noting with satisfaction that the cooperation of the Mission of the International Conference on the Former Yugoslavia (ICFY) with the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be generally good,

Reaffirming the importance of further efforts by the Federal Republic of Yugoslavia (Serbia and Montenegro) to enhance the effectiveness of the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

Expressing appreciation for the work of the Co-Chairmen of the Steering Committee of the ICFY and of the ICFY Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro) and underlining the importance of the necessary resources being made available so as to strengthen the ICFY Mission's capacity to carry out its tasks,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 18 March 1996;

2. Decides also that the arrangements referred to in paragraphs 13, 14 and 15 of resolution 988 (1995) shall continue to apply;

3. Reaffirms its decision to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

4. Decides to remain actively seized of the matter.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/790
15 September 1995

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1001 (1995) of 30 June 1995,

Having considered the report of the Secretary-General dated 9 September 1995 (S/1995/781) on the United Nations Observer Mission in Liberia (UNOMIL),

Welcoming the recent Abuja Agreement signed by the Liberian parties on 19 August 1995 (S/1995/742), which amends and supplements the Cotonou and Akosombo Agreements (S/26272 and S/1994/1174) as subsequently clarified by the Accra Agreement (S/1995/7),

Welcoming the installation of a new Council of State, the re-establishment of a comprehensive and effective cease-fire, the beginning of the disengagement of forces and the agreement on a new timetable and schedule for the implementation of all other aspects of the Agreement,

Commending the positive role of the Economic Community of West African States (ECOWAS), in its continuing efforts to restore peace, security and stability in Liberia,

Commending in particular the efforts of the Governments of Nigeria and Ghana as host and Chairman respectively of the Abuja meeting, which have significantly contributed to the conclusion of the Abuja Agreement by the Liberian parties,

Noting that with these positive developments the Liberian parties have made appreciable progress towards the peaceful resolution of the conflict,

Emphasizing the need for all the Liberian parties to respect and implement fully all the agreements and commitments they have entered into, in particular with regard to maintenance of the cease-fire, disarmament and demobilization of combatants, and national reconciliation,

Emphasizing also once again that the people of Liberia bear the ultimate responsibility for achieving peace and national reconciliation,

Expressing its appreciation to those African States that have contributed and are contributing troops to the ECOWAS Monitoring Group (ECOMOG),

Commending also those Member States that have provided assistance in support of the peace process, including contributions to the Trust Fund for Liberia,

Noting also that with the signing of the Abuja Agreement, additional resources in terms of troops, equipment and logistic support would be required by ECOMOG if it is to be able to deploy throughout the country to oversee the implementation of the various aspects of the Agreement, in particular the disarmament and demobilization process,

1. Welcomes the report of the Secretary-General dated 9 September 1995;

2. Decides to extend the mandate of UNOMIL until 31 January 1996;

3. Welcomes the Secretary-General's intention to increase immediately by 42 the number of military observers to monitor the cease-fire and the disengagement of forces, and considers that any increase beyond that should be based on progress on the ground in implementing the peace agreement;

4. Welcomes also the intention of the Secretary-General to submit by the end of October 1995, for the Council's consideration, recommendations concerning the new concept of operations of UNOMIL which should address, inter alia, measures to enhance the relationship between UNOMIL and ECOMOG, aspects of disarmament and demobilization, and the resources which UNOMIL will require to carry out its tasks effectively; and expresses its intention to review and respond to the Secretary-General's recommendations in an expeditious manner;

5. Urges Member States to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia, and in this regard calls on those States that have pledged assistance to fulfil their commitments;

6. Urges also all Member States to provide financial, logistical and other assistance in support of ECOMOG to enable it to carry out its mandate, particularly with respect to encampment and disarmament of the Liberian factions;

7. Requests the Secretary-General in this regard to continue his efforts to obtain financial and logistical resources from Member States and welcomes his intention to organize, in consultation with the Chairman of ECOWAS, the holding of a pledging conference for Liberia as soon as possible to raise the resources needed by ECOMOG and for other needs critical to the advancement of the peace process in Liberia;

8. Welcomes further the Secretary-General's intention to dispatch a mission to Liberia to consult with the Liberian leaders and other interested parties on the requirements in the evolving implementation of the Abuja Agreement and looks forward to his report on the mission's results and recommendations;

9. Encourages Member States, in particular African countries, to consider providing troops to the expanded ECOMOG;

10. Stresses that continued support by the international community for the peace process in Liberia including the continued participation of UNOMIL is contingent on the continued commitment by the Liberian parties to resolve their differences peacefully and to achieve national reconciliation;

11. Reminds all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) and to bring all instances of violations of the arms embargo before the Committee established pursuant to resolution 985 (1995);

12. Calls on ECOMOG, in accordance with the agreement regarding the respective roles and responsibilities of UNOMIL and ECOMOG in the implementation of the Cotonou Agreement, to take necessary action to provide security for UNOMIL observers and civilian staff;

13. Demands once more, that all factions in Liberia strictly respect the status of ECOMOG and UNOMIL personnel, as well as organizations and agencies delivering humanitarian assistance throughout Liberia, and further demands that these factions facilitate such deliveries and that they strictly abide by applicable rules of international humanitarian law;

14. Commends the efforts made by Member States, including those of neighbouring countries, and humanitarian organizations in providing emergency humanitarian assistance to Liberian refugees and calls upon them to increase the efforts already made to handle the voluntary and rapid return of refugees in their country and other aspects of humanitarian assistance;

15. Encourages the Organization of African Unity to continue its post-conflict peace-building collaboration with ECOWAS in promoting the cause of peace in Liberia;

16. Expresses its appreciation to the Secretary-General, his Special Representative and all UNOMIL personnel for their tireless efforts to bring peace and reconciliation to Liberia;

17. Decides to remain seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1995/791
7 September 1995

ORIGINAL: ENGLISH

LETTER DATED 7 SEPTEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF AFGHANISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit the text of a statement dated 7 September 1995 on the events of 6 September 1995 related to the Embassy of Pakistan at Kabul.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) A. G. Ravân FARHÂDI
Ambassador
Permanent Representative

95-27835 (E) 140995 150995

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Annex

Statement on the events of 6 September 1995 related to the Embassy of Pakistan at Kabul

The tragic incident in the Embassy of Pakistan at Kabul is not an exceptional occurrence with no precedent in the world. It cannot be dissociated from recent happenings. In this case, the role played by promoter elements beyond the borders in the developments at Herat city, which created an angry and furious attitude, had an unintentional impact. It created a state of passionate emotion and impatience among our countrymen.

The groups that were marching towards the Embassy of Pakistan at Kabul had only one intention: to express their indignation against direct foreign intervention in the internal affairs of Afghanistan.

However, a gunshot from inside the Embassy of Pakistan, causing the death of a young student of the Naderiya High School, generated serious tension. The security forces, in spite of loosing five of their personnel, were not able to repulse the attacks of thousands of demonstrators. Two security belts stationed around the Embassy by the security forces were broken. Waves of demonstrators entered the Embassy and the security forces lost control of events.

Some of the Embassy personnel, including Ambassador Qazi Homayun, were injured and a local secretary of the Embassy died.

The Ministry for Foreign Affairs of Afghanistan expressed its deep regret at the death of the local secretary, the injury of personnel of the Embassy and the burning of the Embassy.

A high-level joint committee was promptly constituted to take care of the events. The injured personnel of the Embassy were immediately taken to the hospital and all available life-saving means were used for their medical treatment.

Fortunately, two successive surgical operations on the Ambassador and one surgical operation on the military attaché were successfully performed. Others began to recover from their shocks and injuries.

The Deputy Minister for Foreign Affairs of Afghanistan, after visiting those injured in the hospital, immediately telephoned Mr. Najmuddin Sheikh, Foreign Secretary of Pakistan, and expressed his sympathy for the death of Mr. Massihy and informed him about the health and the medical treatment of the others.

Last night, as a result of the continuous cooperation between the Ministry and the Pakistani side, and through special endeavours by the military hospital, the personnel of the Kabul airport and the staff of the International Red Cross, the transfer of the injured personnel of the Pakistani Embassy was arranged. The injured persons were transferred today at 6.10 a.m. in a Pakistani C 130 military aircraft to Islamabad.

The Chargé d'affaires of the Embassy of the Islamic State of Afghanistan at Islamabad has been instructed by the Ministry for Foreign Affairs of Afghanistan to deliver official notes to the Ministry for Foreign Affairs of the Islamic Republic of Pakistan concerning this matter.

The Ministry for Foreign Affairs of the Islamic State of Afghanistan sincerely wishes that this incident will have no negative impact on the mutually fraternal and friendly relations between the two neighbouring countries and expects the Pakistani side to make an accurate analysis of the problems of this country.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1995/792
14 September 1995

ORIGINAL: ENGLISH

LETTER DATED 14 SEPTEMBER 1995 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit, enclosed herewith, a letter dated 12 September 1995 from H.E. Mr. Radoje Kontić, Prime Minister of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

95-27873 (E) 150995 180995

Annex

I express deep concern at Croatia's gross violation of United Nations Security Council resolution 1009 (1995) of 10 August 1995 and, by that act, of the basic human rights of the Serbian people, expelled by the Croatian aggression on the Republic of Serbian Krajina. By its continued destruction and looting of the property belonging to Serbs and by the adoption of the "Decree of the Government of Croatia on the Temporary Seizure and Management of Certain Property" of 31 August 1995 (which entered into force on 4 September 1995), Croatia is in outright breach of the provisions of the said resolution, which, in its paragraph 2, demands that the Government of the Republic of Croatia, in conformity with internationally recognized standards and in compliance with the agreement of 6 August 1995 between the Republic of Croatia and the United Nations Peace Forces (a) respect fully the rights of the local Serb population including their rights to remain, leave or return in safety, (b) allow access to this population by international humanitarian organizations, and (c) create conditions conducive to the return of those persons who have left their homes.

The adoption of the said Decree by the Croatian Government is an act without precedent in present-day international practice. It is yet another instrument of the implementation of the Croatian policy of ethnic cleansing, aimed at finally eliminating the Serbs from the Republic of Serbian Krajina and Croatia.

The provisions of the Decree provide for "temporary seizure, use, management and control" of the overall movable and immovable property of the expelled Serbs. From the text of the Decree, it is evident that the real intention is to settle Croats on the estates of Serbs who had left them under the armed pressure of the Croatian army. The effect of this all is to prevent the expelled Serbs from returning to their homes and to change completely the ethnic composition of the population. The next legal consequence, according to the Decree, will be a definitive seizure of the property of the expelled Serbs. In this way, Croatia grossly violates the generally accepted rule of inviolability of private property in the case of territorial changes, thus setting a dangerous precedent in international law with far-reaching consequences for the peace process and for the return of the expelled Serbs from the Republic of Serbian Krajina and Croatia, in particular, as guaranteed by Security Council resolution 1009 (1995).

I recall that the provisions of the Decree are applicable also to the property of the citizens of the Federal Republic of Yugoslavia, as well as of the Serbs living in the territory of the Republic of Srpska, which extends its discriminatory nature.

The forcible expulsion of the Serbs who lived for centuries in the territories of the Republic of Serbian Krajina and Croatia led to the exodus of about half a million Serbs from these areas, which resulted in a humanitarian catastrophe and a wave of human tragedy which fell, with all its ferocity, on the shoulders of the Federal Republic of Yugoslavia, itself in a very difficult position because of unjust United Nations sanctions.

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Bearing all this in mind, I request that you start an immediate initiative to protect urgently the movable and immovable property of the Serbs who left the territories of the Republic of Serbian Krajina and Croatia, as well as the property of the citizens of the Federal Republic of Yugoslavia in the territory covered by the said Decree. I also deem it necessary for the Security Council to initiate decisive action to prevent the seizure of property on the basis of ethnic origin, which is unprecedented in the present-day international community and contrary to international law. In particular, it is contrary to the provisions of the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which explicitly prohibit discrimination on the basis of ethnic origin.

Considering that the destruction and looting of the property of the Serbs have been legalized by the said Croatian Decree, the translation of which is enclosed herewith, and that it is the intention of the Croatian authorities to adopt new legal regulations in this respect, I request the Security Council to prevent by its urgent action these acts of the continuation of the practice of the ethnic cleansing of the Serbian people. In this context, I request that you start an initiative to have the Security Council adopt a decision on extending the mandate of the United Nations peace forces in Croatia to include also the protection of the property and goods of Serbs, until a final peace solution for all territories of the former Yugoslavia is reached, in order to ensure that the human rights of the Serbian people are fully protected and to prevent the policy of ethnic cleansing. I also request that this protection include the vital record books and land registers, which are a condition for the realization of the civil and property rights of Serbs. I request the United Nations to obligate Croatia to protect vital record books and land registers as well as all other documents proving the said rights of Serbs. At the same time I request the Security Council to establish an obligation by the Croatian authorities to compensate the Serbs for all the property that they have had destroyed or looted since 1990.

Convinced that you will show understanding and readiness to respect the facts that I have presented, I request you once again to take urgent measures within the United Nations that would prevent a more aggressive policy of Croatia.

Radoje Kontić

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Appendix

Translation*

PEOPLE'S GAZETTE
People's Gazette of the Republic of Croatia
Page 1789 - No. 63 Monday, 4 September 1995

THE GOVERNMENT OF THE REPUBLIC OF CROATIA

1148

Under Article 1, para. 1, of the Law on the Powers of the Government of the Republic of Croatia to regulate certain matters from the purview of work of the House of Representatives of the Sabor of the Republic of Croatia (People's Gazette, No. 79/94), the Government of the Republic of Croatia, at its session held on 31 August 1995, adopted the following

D E C R E E

on the temporary seizure and management of certain property

Article 1

This Decree regulates the temporary seizure, use, management and supervision of the property of physical entities specified by this Decree for the purpose of its protection and ensuring the claims of creditors in connection with this property.

Article 2

As of the date of the entry into force of this Decree, the property located in the previously occupied and now liberated territory of the Republic of Croatia abandoned and not personally used by its owners shall be placed under the temporary management of the Republic of Croatia and used in accordance with this Decree.

As of the date of the entry into force of this Decree, the property located in the territory of the Republic of Croatia owned by the persons who left the Republic of Croatia after 17 August 1990 or are in the occupied territory of the Republic of Croatia and in the territory of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" or in the occupied territory of the Republic of Bosnia-Herzegovina and do not use that property since the day of departure, shall be placed under the temporary management of the Republic of Croatia.

As of the date of the entry into force of this Decree, the property located in the territory of the Republic of Croatia owned by the citizens of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" who do not use it personally shall be placed under the temporary management of the Republic of Croatia and used in accordance with this Decree.

The provisions of this Decree shall not apply to the property which is the joint ownership of the nationals of the Republic of Croatia and persons who are not Croatian nationals.

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* Reproduced as received from the Permanent Mission of Yugoslavia.

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Article 3

The property in the sense of this Decree shall be considered all movable and immovable property, in particular.

- agricultural estates comprising residential and economic buildings, land and other immovable property and the appurtenant movable property (livestock and other domestic animals, transportation means, tools and other equipment, furniture, etc.),
- residential buildings with adjacent area and apartments (hereinafter "buildings") and furniture and other movable property therein,
- shops and offices and other immovables (garages, storages, depots, etc.) and the movable property therein,
- vehicles, boats and ships, tools, equipment, etc.

Article 4

The possession of the property placed under the temporary management of the Republic of Croatia according to this Decree shall be taken by the municipality, i.e. town or the City of Zagreb (hereinafter "municipality, i.e. town") in whose territory it is located.

The municipal, i.e. town authorities shall establish a Commission for the Temporary Seizure and Use of the Property (hereinafter "the Commission") which shall make an inventory of the property and shall have other powers provided for by this Decree. The property inventory shall be forwarded to the Ministry of Development and Reconstruction which keeps property records.

The Commission from para. 2 of this Article shall comprise of one representative of the Ministry of Development and Reconstruction, Ministry of Defence, Ministry of the Interior, Ministry of Labour and Social Welfare, Ministry of Agriculture and Forestry, Bureau of the Government of the Republic of Croatia for Expellees and Refugees, Public Attorney's Office, municipal, i.e. town authorities and, if necessary, of other persons. The President of the Commission shall be determined by the act on the establishment of the Commission.

More than one commission from para. 1 of this Article can be established for the territory of a municipality, i.e. town.

Article 5

The Commissions from Article 4 of this Decree may place the property from Article 2 of this Decree in possession and use to the expellees and refugees, returnees who had their property destroyed or damaged in the homeland war, to persons disabled in the homeland war, families of killed and disappeared Croatian defenders in the homeland war and other persons engaged in the activities necessary for the security, reconstruction and development of the previously occupied territories.

Decisions of the Commission can be appealed with the Ministry of Justice within 8 days. An appeal does not stop the execution of a decision.

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On the occasion of placing the property in possession and use, the minutes on the condition of property and its placing in possession shall be made.

Article 6

The work of the Commissions from Article 4 of this Decree shall be directed and adjusted by the Ministry of Development and Reconstruction and the Minister of Development and Reconstruction can, if necessary, issue instructions for the implementation of this Decree concerning the property and the persons in whose possession and use the property is being placed.

Article 7

The persons who, under Article 5 of this Decree, have been given in possession and use the property from Article 2 of this Decree shall have the duty to manage the property as good masters, shall have all the powers belonging to the owner of the property in its protection against third persons and can use the proceeds from the property for their own needs.

The persons from para. 1 of this Article cannot dispose of the immovables constituting part of the property (sell, exchange, let, lease, rent with or without charge, mortgage or use it towards any other lien) and cannot dispose of transportation means and livestock without consent by the Commission from Article 4 of this Decree.

Legal transactions concluded contrary to para. 2 of this Article shall be considered null and void.

Article 8

While the property is managed by the Republic of Croatia, the owner cannot dispose of it (sell, exchange, let, lease, rent with or without charge, mortgage or use it towards any other lien, etc.).

At the proposal of the Minister of Justice, the Government of the Republic of Croatia may exempt certain property from the prohibition of disposal for the purpose of executing a legal transaction whereby the right to ownership is acquired by Croatian nationals or members of the Croatian people for humanitarian and other justified reasons.

Legal transactions concluded contrary to para. 1 of this Article shall be considered null and void.

Article 9

The Commission from Article 4 of this Decree may rescind a decision from

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Article 5 of this Decree if a person or persons given the possession and use of the property:

- do not manage the property as good masters,
- acquire the possibility to return and use their own property,
- manage the property contrary to the provisions of this Decree.

Article 10

If the owner of property from Article 2, para. 1, of this Decree returns to the Republic of Croatia within 30 days from the date of the entry into force of this Decree and requests its return into his/her possession and use, the Commission from Article 4 of this Decree shall rescind the decision from Article 5 of this Decree.

The decision by which the Commission has rescinded its decision from Article 5 of this Decree can be appealed by the owner of the property, the person to whom the property was given in possession and use and the Public Attorney with the Ministry of Justice within 8 days.

The person who had the right to possession and use of the property ceased by a valid decision under para. 2 of this Article cannot be deprived of the possession until he/she is ensured possession and use of other adequate property.

Article 11

Ownership of the movable property from Article 2 of this Decree cannot be acquired by appropriation (occupation).

Article 12

The persons who possess and use property from Article 2 of this Decree contrary to the provisions of this Decree shall be deprived of the property by a decision of the Commission from Article 4 of this Decree.

This decision cannot be appealed, but can be contested in a legal action before an administrative court. Administrative enforcement of the decision shall be carried out by the body which has taken it.

Article 13

The provisions of the Law on the General Administrative Procedure (People's Gazette, No. 53/91) shall apply to administrative matters in accordance with this Decree, unless otherwise provided by this Decree. Administrative matters from this Decree shall be solved in streamlined procedure.

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Article 14

A separate law shall regulate the ownership of the property placed under the management in accordance with the provisions of this Decree which has not been returned into the possession and use of the owner.

Article 15

The Minister of Justice shall be empowered to adopt, as necessary, the regulations concerning the implementation of this Decree, except for the execution of matters from Article 6 of this Decree.

The implementation of this Decree shall be monitored by the Ministry of Justice.

Article 16

This Decree shall enter into force on the day of its publication in the People's Gazette.

Class: 370-01/95-01/14
Decree No.: 5030109-95-1
Zagreb, 31 August 1995

President
Nikica Valentic

UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/50/435
S/1995/793
14 September 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 81 of the provisional agenda*
MAINTENANCE OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Fiftieth year

Letter dated 14 September 1995 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued by the President of the Republic of Macedonia, Mr. Kiro Gligorov, on 14 September 1995, concerning the establishment of diplomatic relations between the Republic of Macedonia and the United States of America and the signing of the Interim Accord between the Republic of Macedonia and the Republic of Greece.

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 81 of the provisional agenda, and of the Security Council.

(Signed) Denko MALESKI
Ambassador
Permanent Representative of the
Republic of Macedonia to the
United Nations

* A/50/150.

95-27854 (E) 140995 150995

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ANNEX

Statement issued by the President of the former Yugoslav Republic of Macedonia on 14 September 1995 concerning the establishment of diplomatic relations between the former Yugoslav Republic of Macedonia and the United States of America and the signing of the Interim Accord between the former Yugoslav Republic of Macedonia and Greece

Yesterday, we established full diplomatic relations with the United States of America. This act definitely finalizes the relations and cooperation between the Republic of Macedonia and the United States of America, which is of great significance not only for our country but for the wider stability in the south of the Balkans as well. Thus, the traditionally friendly relations between our two countries, the support extended by the United States in the past year for the independence of the Republic of Macedonia, the support for our membership in the United Nations as well as the participation of United States troops within the forces of the United Nations Preventive Deployment Force (UNPREDEP) in the Republic of Macedonia have gained yet another strong verification. By establishing diplomatic relations at the level of embassies, the perspectives of our mutual cooperation initiated earlier, when the United States of America recognized the Republic of Macedonia, now stand on truly firm foundations.

The establishment of diplomatic relations precedes the Accord reached between the Republic of Macedonia and the Republic of Greece in New York yesterday. The American initiative and direct engagement in the signing of this Accord is also a confirmation of the common American-Macedonian interest for peace, and stability in the south of the Balkans and for enhancing the international position of the Republic of Macedonia. This is why, on this occasion, I wish to assert that the Republic of Macedonia has achieved success in its peaceful policy, in the principles of political dialogue for resolving unsettled issues with its neighbours, in realizing human and minority rights in accordance with international standards, in the principles for Europization of the Balkans and in the protection of its own national interests and aims.

In this context, we have confirmed our long-term orientation for developing good-neighbourly relations with all of our neighbours on the principles of the inviolability of borders by way of force, the free flow of people, goods and ideas and the development of comprehensive cooperation in all fields. And, despite the fact that in the past four years it was not seldom that we were the victims of historical prejudices of some policies led on the Balkans, we have proved that we are capable of enduring, as a State and as a people, with authentic national and cultural identity, with deep historical roots and our own contribution to European culture and civilization. Because of this fact, our independence could not be challenged - not by economic blockades and not by various attempts to ignore our country or to revive the anachronistic activities on the Balkans from the beginning of this century. I am pleased to note that somewhat sooner or somewhat later, this fact was also recognized and accepted by our neighbours as a reality requirement. This is why I salute the realistic demeanour the Republic of Greece has shown by signing the Accord. Allow me to reiterate what I have often said - that Macedonian-Greek relations provide

prospects in the interest of the two peoples and of peace and good-neighbourly relations and cooperation among all Balkan peoples.

Now it is especially important to show good will, readiness and fair demeanour in the implementation of this Accord. Time can prove this act a turning-point for the future of the Balkans.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/794
14 September 1995

ORIGINAL: ENGLISH

LETTER DATED 13 SEPTEMBER 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am writing to inform you and your colleagues in the Council about the latest developments regarding the difference between Greece and the former Yugoslav Republic of Macedonia.

My Special Envoy, Mr. Cyrus Vance, has continued his efforts pursuant to Security Council resolution 845 (1993). I am pleased to inform you that the Foreign Ministers of the two parties signed a wide-ranging interim accord today at United Nations Headquarters in New York, in the presence of myself and Mr. Vance.

Attached are copies of the interim accord, of three sets of letters concerning the interim accord and various provisions thereof as well as of a statement of the Special Envoy authorized by the two parties.

I shall of course inform the members of the Council of any further developments regarding the difference between Greece and the former Yugoslav Republic of Macedonia.

(Signed) Boutros BOUTROS-GHALI

95-27866 (E) 150995 180995

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Annex I

Interim accord

Minister Karolos Papoulias, representing the Party of the First Part (the "Party of the First Part") and Minister Stevo Crvenkovsky, representing the Party of the Second Part (the "Party of the Second Part"), hereby DECLARE AND AGREE as follows:

Recalling the principles of the inviolability of frontiers and the territorial integrity of States incorporated in the Final Act of the Conference on Security and Cooperation in Europe, signed in Helsinki,

Bearing in mind the provisions of the Charter of the United Nations and, in particular, those referring to the obligation of States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State,

Guided by the spirit and principles of democracy and fundamental freedoms and respect for human rights and dignity, in accordance with the Charter of the United Nations, as well as the Helsinki Final Act, the Charter of Paris for a new Europe and pertinent acts of the Organization for Security and Cooperation in Europe,

Considering their mutual interest in the maintenance of international peace and security, especially in their region,

Desiring to confirm the existing frontier between them as an enduring international border,

Recalling their obligation not to intervene, on any pretext or in any form, in the internal affairs of the other,

Desiring to develop their mutual relations and to lay firm foundations for a climate of peaceful relations and understanding,

Realizing that economic cooperation is an important element for the development of mutual relations on a stable and firm basis, as well as desiring to develop and promote future cooperation,

Desiring to reach certain interim agreements that will provide a basis for negotiating a permanent Accord,

Have agreed as follows:

A. FRIENDLY RELATIONS AND CONFIDENCE-BUILDING MEASURES

Article 1

1. Upon entry into force of this Interim Accord, the Party of the First Part recognizes the Party of the Second Part as an independent and sovereign State, under the provisional designation set forth in a letter of the Party of the First Part of the date of this Interim Accord, and the Parties shall at an early date establish diplomatic relations at an agreed level with the ultimate goal of relations at ambassadorial level.

2. The Party of the First Part shall as promptly as possible establish a liaison office in Skopje, the capital of the Party of the Second Part, and the Party of the Second Part shall as promptly as possible establish a liaison office in Athens, the capital of the Party of the First Part.

Article 2

The Parties hereby confirm their common existing frontier as an enduring and inviolable international border.

Article 3

Each Party undertakes to respect the sovereignty, the territorial integrity and the political independence of the other Party. Neither Party shall support the action of a third party directed against the sovereignty, the territorial integrity or the political independence of the other Party.

Article 4

The Parties shall refrain, in accordance with the purposes and principles of the Charter of the United Nations, from the threat or use of force, including the threat or use of force designed to violate their existing frontier, and they agree that neither of them will assert or support claims to any part of the territory of the other Party or claims for a change of their existing frontier.

Article 5

1. The Parties agree to continue negotiations under the auspices of the Secretary-General of the United Nations pursuant to Security Council resolution 845 (1993) with a view to reaching agreement on the difference described in that resolution and in Security Council resolution 817 (1993).

2. Recognizing the difference between them with respect to the name of the Party of the Second Part, each Party reserves all of its rights consistent

with the specific obligations undertaken in this Interim Accord. The Parties shall cooperate with a view to facilitating their mutual relations notwithstanding their respective positions as to the name of the Party of the Second Part. In this context, the Parties shall take practical measures, including dealing with the matter of documents, to carry out normal trade and commerce between them in a manner consistent with their respective positions in regard to the name of the Party of the Second Part. The Parties shall take practical measures so that the difference about the name of the Party of the Second Part will not obstruct or interfere with normal trade and commerce between the Party of the Second Part and third parties.

Article 6

1. The Party of the Second Part hereby solemnly declares that nothing in its Constitution, and in particular in the Preamble thereto or in Article 3 of the Constitution, can or should be interpreted as constituting or will ever constitute the basis of any claim by the Party of the Second Part to any territory not within its existing borders.

2. The Party of the Second Part hereby solemnly declares that nothing in its Constitution, and in particular in Article 49 as amended, can or should be interpreted as constituting or will ever constitute the basis for the Party of the Second Part to interfere in the internal affairs of another State in order to protect the status and rights of any persons in other States who are not citizens of the Party of the Second Part.

3. The Party of the Second Part furthermore solemnly declares that the interpretations given in paragraphs 1 and 2 of this Article will not be superseded by any other interpretation of its Constitution.

Article 7

1. Each Party shall promptly take effective measures to prohibit hostile activities or propaganda by State-controlled agencies and to discourage acts by private entities likely to incite violence, hatred or hostility against each other.

2. Upon entry into force of this Interim Accord, the Party of the Second Part shall cease to use in any way the symbol in all its forms displayed on its national flag prior to such entry into force.

3. If either Party believes one or more symbols constituting part of its historic or cultural patrimony is being used by the other Party, it shall bring such alleged use to the attention of the other Party, and the other Party shall take appropriate corrective action or indicate why it does not consider it necessary to do so.

Article 8

1. The Parties shall refrain from imposing any impediment to the movement of people or goods between their territories or through the territory of either Party to the territory of the other. Both Parties shall cooperate to facilitate such movements in accordance with international law and custom.

2. The Parties agree that the European Union and the United States may be requested to use their good offices with respect to developing practical measures referred to in paragraph 2 of Article 5 so as to assist the Parties in the implementation of Article 8.

B. HUMAN AND CULTURAL RIGHTS

Article 9

1. In the conduct of their affairs the Parties shall be guided by the spirit and principles of democracy, fundamental freedoms, respect for human rights and dignity, and the rule of law, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Helsinki Final Act, the document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe and the Charter of Paris for a New Europe.

2. No provision of the instruments listed in paragraph 1 above shall be interpreted to give any right to take any action contrary to the aims and principles of the Charter of the United Nations, or of the Helsinki Final Act, including the principle of the territorial integrity of States.

Article 10

Convinced that the development of human relations is necessary for improving understanding and good-neighbourliness of their two peoples, the Parties shall encourage contacts at all appropriate levels and shall not discourage meetings between their citizens in accordance with international law and custom.

C. INTERNATIONAL, MULTILATERAL AND REGIONAL INSTITUTIONS

Article 11

1. Upon entry into force of this Interim Accord, the Party of the First Part agrees not to object to the application by or the membership of the Party of the Second Part in international, multilateral and regional organizations and institutions of which the Party of the First Part is a member; however, the Party of the First Part reserves the right to object to any membership referred

to above if and to the extent the Party of the Second Part is to be referred to in such organization or institution differently than in paragraph 2 of United Nations Security Council resolution 817 (1993).

2. The Parties agree that the ongoing economic development of the Party of the Second Part should be supported through international cooperation, as far as possible by a close relationship of the Party of the Second Part with the European Economic Area and the European Union.

D. TREATY RELATIONS

Article 12

1. Upon entry into force of this Interim Accord, the Parties shall in their relations be directed by the provisions of the following bilateral agreements that had been concluded between the former Socialist Federal Republic of Yugoslavia and the Party of the First Part on 18 June 1959:

(a) The convention concerning mutual legal relations,

(b) The agreement concerning the reciprocal recognition and the enforcement of judicial decisions, and

(c) The agreement concerning hydro-economic questions.

The Parties shall promptly consult with a view to entering into new agreements substantially similar to those referred to above.

2. The Parties shall consult with each other in order to identify other agreements concluded between the former Socialist Federal Republic of Yugoslavia and the Party of the First Part that will be deemed suitable for application in their mutual relations.

3. The Parties may conclude additional bilateral agreements in areas of mutual interest.

Article 13

Having regard to the fact that the Party of the Second Part is a land-locked State, the Parties shall be guided by the applicable provisions of the United Nations Convention on the Law of the Sea as far as practicable both in practice and when concluding agreements referred to in Article 12.

Article 14

1. The Parties shall encourage the development of friendly and good-neighbourly relations between them and shall reinforce their economic cooperation in all sectors, including that of water resources management. In particular they shall promote, on a reciprocal basis, road, rail, maritime and

air transport and communication links, using the best available technologies, and facilitate the transit of their goods between them and through their territories and ports. The Parties shall observe international rules and regulations with respect to transit, telecommunications, signs and codes.

2. To this end the Parties agree to enter forthwith into negotiations aimed at promptly implementing agreements of cooperation in the aforementioned areas, taking into account the obligations of the Party of the First Part deriving from its membership in the European Union and from other international instruments. Such agreements shall relate to visas, work permits, "green-card" insurance, airspace transit and economic cooperation.

E. ECONOMIC, COMMERCIAL, ENVIRONMENTAL AND LEGAL RELATIONS

Article 15

1. The Parties shall strengthen their economic relations in all fields.

2. The Parties shall in particular support development and cooperation in the field of capital investments, as well as industrial cooperation between enterprises. Special attention shall be paid to cooperation between small and medium-size companies and enterprises.

Article 16

1. The Parties shall develop and improve scientific and technical cooperation, as well as cooperation in the field of education.

2. The Parties shall intensify their exchanges of information and of scientific and technical documentation, and shall strive to improve mutual access to scientific and research institutions, archives, libraries and similar institutions.

3. The Parties shall support initiatives by scientific institutions and by individuals aimed at improving cooperation in the sciences.

Article 17

1. The Parties shall take great care to avoid dangers to the environment and to preserve natural living conditions in the lakes and rivers shared by the two Parties.

2. The Parties shall cooperate in eliminating all forms of pollution in border areas.

3. The Parties shall strive to develop and harmonize strategies and programmes for regional and international cooperation for protecting the environment.

Article 18

The Parties shall cooperate in alleviating the consequences of disasters.

Article 19

1. The Parties shall cooperate in improving and promoting business and tourist travel.

2. Consistent with the obligations of the Party of the First Part arising from its membership in the European Union and from relevant instruments of the Union, the Parties shall make joint efforts to improve and accelerate customs and border formalities, including simplification in the issuance of visas to each other's citizens, taking into account Article 5, paragraph 2, of this Interim Accord.

3. The Parties shall endeavour to improve and modernize existing border crossings as required by the flow of traffic, and construct new border crossings as necessary.

Article 20

The Parties shall cooperate in the fight against organized crime, terrorism, economic crimes, narcotics crimes, illegal trade in cultural property, offences against civil air transport and counterfeiting.

F. FINAL CLAUSES

Article 21

1. The Parties shall settle any disputes exclusively by peaceful means in accordance with the Charter of the United Nations.

2. Any difference or dispute that arises between the Parties concerning the interpretation or implementation of this Interim Accord may be submitted by either of them to the International Court of Justice, except for the difference referred to in Article 5, paragraph 1.

Article 22

This Interim Accord is not directed against any other State or entity and it does not infringe on the rights and duties resulting from bilateral and multilateral agreements already in force that the Parties have concluded with other States or international organizations.

Article 23

1. This Interim Accord shall enter into force and become effective on the thirtieth day following the date on which it is signed by the representatives of the Parties as set forth below.

2. This Interim Accord shall remain in force until superseded by a definitive agreement, provided that after seven years either Party may withdraw from this Interim Accord by a written notice, which shall take effect twelve months after its delivery to the other Party.

IN WITNESS WHEREOF the Parties have, through their authorized representatives, signed three copies of this Interim Accord in the English language, which shall be registered with the Secretariat of the United Nations. Within two months of the date of signature, the United Nations is to prepare, in consultation with the Parties, translations into the language of the Party of the First Part and the language of the Party of the Second Part, which shall constitute part of the registration of this Accord.

Representative of the
Party of the First Part

Representative of the
Party of the Second Part

WITNESSED, in accordance with Security Council resolution 845 (1993), by:

Cyrus Vance
Special Envoy of the Secretary-General
of the United Nations

DONE at New York on the 13th day of September 1995

Annex II

Letter dated 13 September 1995 from the Special Envoy of the Secretary-General addressed to the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia

I enclose herewith a copy of a letter addressed to me today by Minister Papoulias concerning the implementation of article 1, paragraph 1, of the interim accord of today's date.

(Signed) Cyrus R. VANCE
Special Envoy of the Secretary-General
of the United Nations

Annex III

Letter dated 13 September 1995 from the Minister for Foreign Affairs of Greece addressed to the Special Envoy of the Secretary-General

In implementation of article 1, paragraph 1, of the interim accord of today's date, the Government of Greece recognizes the party of the second part within its internationally recognized borders, with the provisional name of the former Yugoslav Republic of Macedonia, pending settlement of the difference that has arisen over the name of the State.

(Signed) Karolos PAPOULIAS
Minister for Foreign Affairs

Annex IV

Letter dated 13 September 1995 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia addressed to the Special Envoy of the Secretary-General

I hereby acknowledge receipt of your letter of today's date, under cover of which you transmitted to me a copy of a letter addressed to you today by Minister Papoulias concerning the implementation of article 1, paragraph 1, of the interim accord of today's date.

(Signed) Stevo CRVENKOVSKI
Minister for Foreign Affairs

Annex V

Letter dated 13 September 1995 from the Minister for Foreign Affairs of Greece addressed to the Special Envoy of the Secretary-General

With regard to article 7, paragraph 2, of the interim accord of today's date, the Government of Greece would like to confirm that the symbol referred to in the above-mentioned article of the said accord is the Sun or Star of Vergina, in all its historical forms.

(Signed) Karolos PAPOULIAS
Minister for Foreign Affairs

Annex VI

Letter dated 13 September 1995 from the Special Envoy of the Secretary-General addressed to the Minister for Foreign Affairs of Greece

I hereby acknowledge receipt of your letter of today's date concerning article 7, paragraph 2, of the interim accord of today's date. I have made the other party aware of the content of your letter.

(Signed) Cyrus R. VANCE
Special Envoy of the Secretary-General
of the United Nations

Annex VII

Letter dated 13 September 1995 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia addressed to the Special Envoy of the Secretary-General

This is to inform you that, in connection with the interim accord of today's date, my Government wishes to make clear that no instrument that has not been signed on its behalf can be considered as binding on it.

(Signed) Stevo CRVENKOVSKI
Minister for Foreign Affairs

Annex VIII

Letter dated 13 September 1995 from the Special Envoy of the Secretary-General addressed to the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia

I hereby acknowledge the receipt of your letter of today's date concerning the legal effect of the instruments exchanged in connection with the interim accord of today's date. I have made the other party aware of the content of your letter.

(Signed) Cyrus R. VANCE
Special Envoy of the Secretary-General
of the United Nations

Annex IX

Statement of Cyrus R. Vance, Special Envoy of the Secretary-General of the United Nations, upon signature of the interim accord between Greece and the former Yugoslav Republic of Macedonia on 13 September 1995

I am very pleased to welcome the signing of the interim accord between the two neighbouring States. The accord establishes a new relationship between them that will be based on concepts of international law and peaceful, friendly relations.

The Hellenic Republic has authorized me to make the following statement on its behalf in so far as this statement refers to actions to be taken by it, and the former Yugoslav Republic of Macedonia has authorized me to make the following statement on its behalf in so far as this statement refers to actions to be taken by it.

The accord provides that each party will respect the sovereignty, territorial integrity and political independence of the other and confirms their common existing frontier as an enduring and inviolable international border.

The accord further provides for recognition by the Hellenic Republic of the former Yugoslav Republic of Macedonia as an independent and sovereign State, and that the two countries will establish liaison offices in each other's capital.

The accord also provides that the former Yugoslav Republic of Macedonia will cease to use in any manner the symbol that is now on its national flag. It also provides specific and binding assurances that the Constitution of the former Yugoslav Republic of Macedonia is consistent with the principles of international law and good-neighbourly relations mentioned earlier.

The accord provides for unimpeded movement of people and goods between the two countries. In this connection I can confirm that the accord, by its terms, provides for terminating the measures that had been imposed by the Hellenic Republic on 16 February 1994, and provides for replacing these measures by an open and cooperative economic relationship.

The necessary steps required to implement the accord fully will commence upon signature and will take place over the next few weeks, with the effective date of its operative provisions 30 days from today.

The accord provides that the parties will continue negotiations under the auspices of the Secretary-General of the United Nations with respect to the outstanding difference between them referred to in relevant Security Council resolutions.

Finally, the accord contains other important provisions relating to areas of cooperation between the parties, a commitment to settle disputes exclusively by peaceful means, and the timing and terms of implementation.

As the Special Envoy of the Secretary-General of the United Nations, under whose auspices this lengthy mediation effort has been conducted, I congratulate the parties on the important step they have taken to achieve a new relationship, which will promote peace and security between them and in their entire region.

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Distr.
GENERAL

S/1995/795
14 September 1995

ORIGINAL: ENGLISH

LETTER DATED 14 SEPTEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF AFGHANISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward herewith a letter dated 14 September 1995, addressed to you by Mr. Abdul Rahim Ghafoorzai, Deputy Minister for Foreign Affairs of Afghanistan.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) A. G. Ravan FARHADI
Permanent Representative

95-27887 (E) 150995

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Annex

Letter dated 14 September 1995 from the Deputy Minister for Foreign Affairs of Afghanistan addressed to the Secretary-General

Pursuant to our letter dated 6 September 1995 (S/1995/767), the Ministry of Foreign Affairs of the Islamic State of Afghanistan would like to bring to your careful attention the following points, which are directly connected with the vital question of peace and security in our region.

It is sincerely hoped that the contents of this letter will receive serious and judicious consideration followed by practical actions on your part.

The western parts of Afghanistan, including the city of Herat, have been overrun by the Pakistani militia, backed by Pakistani regular air and ground forces, in collusion with the mercenaries known as Taliban, forged by the Pakistani Interservice Intelligence, in an attempt to impose the subsequent transfer of power to a Pakistani-approved regime in Kabul. Otherwise, Herat has stood as a model of healthy administration, tranquillity and security during the last three years.

As a result of this violent aggression and the bombardment involved, a large number of innocent residents of Herat, including security personnel, have been killed or had to leave their homes, thus becoming displaced persons. Others were killed in the barbaric bombardments and violent treatment of the population by the occupying forces.

There are incontestable reports saying that hundreds of Pakistani military personnel marched inside the city, while thousands of Herat residents were witnessing the tragic episode, and were posted in the Herat central military garrison.

We would like to make clear once again that these acts of aggression have been contrary to internationally respected norms. The Islamic State of Afghanistan considers the Pakistani infringement on Herat and its subsequent occupation as totally intolerable and emphatically calls your attention to the point that the situation developing out of this direct aggression will bear grave and irreparable consequences for peace and security in our region.

The Islamic State of Afghanistan forecasts the outcome of this new tension as alarming and perilous and earnestly calls on you to dispatch promptly a fact-finding mission to western Afghanistan in order to report during the consultations to the Security Council, before Pakistani militia and mercenaries known as Taliban find time to conceal the evidence of their aggression.

This United Nations fact-finding team could be mandated to track down the presence of foreign forces and to prove that the acts of aggression occurred.

One dimension of this flegrant Pakistani aggression against the territorial integrity of Afghanistan is that the Pakistani authorities speculated about the

opposition and resistance of the people of Herat against the Taliban mercenaries, installed as the puppet military rulers, and therefore the forthcoming collapse of their administration in Herat. This is why, since 9 September 1995, Pakistani military transport planes and military land transport vehicles have begun the systematic and speedy carriage of heavy and light weapons from Herat towards Quetta, Pakistan.

The Islamic State of Afghanistan considers this act as the pillage by Pakistan of the national property of Afghanistan and calls upon the United Nations to take urgent steps to stop these acts of plundering.

The Islamic State of Afghanistan reserves its rights to have recourse to legal and other proceedings at international level against Pakistan and to ask that country to return the property of Afghanistan.

While expressing great surprise over the fact that not a single word has been uttered by the United Nations Special Mission led by H.E. Mahmood Mestiri over the blatant Pakistani aggression in Afghanistan, thus proving his lack of interest in the territorial integrity of the country, I vigorously call for your attention to the initial responsibility assigned to the Special Mission by paragraph 4 of resolution 49/140 adopted by the General Assembly on 20 December 1994. It calls upon all States to respect Afghanistan's sovereignty and territorial integrity and strictly refrain from interfering in the internal affairs of Afghanistan.

The Islamic State of Afghanistan would like to assure you that the freedom-loving people of Afghanistan do realize their prime national obligation to liberate the western parts of Afghanistan, including occupied Herat, and to force the Pakistani militia out of the area by a general and resolute armed struggle, in favour of the country's political and administrative unity. The Islamic State of Afghanistan would, if necessary, call for a formal meeting of the Security Council to consider the events in west Afghanistan and to take appropriate action for putting an end to the present illegal situation. We already see it as highly imperative to note that, since part of the country is occupied by outside forces, the Islamic State of Afghanistan considers it its legitimate right to bring the question of the state of occupation up as the most pressing issue for the next round of the United Nations peace efforts.

(Signed) Abdul Rahim GHAFOORZAI
Deputy Minister for Foreign Affairs

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Security Council

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S/1995/796
15 September 1995

ORIGINAL: ENGLISH

LETTER DATED 14 SEPTEMBER 1995 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of a letter dated 13 September 1995 from Mr. Dusan Djurovic, President of the Republican Branch of the Alliance of the Association of Veterans of the People's Liberation War of Montenegro (SUBNOR), addressed to you.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

95-28077 (E) 150995

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Annex

With full respect for you personally and for the office you hold, we feel free to relate to you the following.

We are writing to you as veterans of the anti-fascist and people's liberation war of 1941 to 1945 in Montenegro, from the capital of Montenegro, a federal unit within the Federal Republic of Yugoslavia, the town that was bombed 74 times in the Second World War. As participants in the anti-fascist and liberation struggle, we know full well what the bombs and bombings are, what their purpose is, as well as what the true face of those who use them is. We are well known and respected anti-fascist veterans who, along with the Union of Soviet Socialist Republics, the United States of America, the United Kingdom of Great Britain and Northern Ireland and other liberation forces of the world, fought in the Second World War so that reason and humanity might prevail. We therefore call upon you to exert your personal authority so that the voice of reason and humanity may win the day and that the killing of the innocent Serb population in Bosnia and Herzegovina may be stopped.

Republican Branch of SUBNOR
of Montenegro
President
Dusan Djurovic

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Distr.
GENERAL

S/1995/797
15 September 1995

ORIGINAL: ENGLISH

LETTER DATED 14 SEPTEMBER 1995 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a letter dated 12 September 1995 addressed to you transmitting the text of the Protest of the Alliance of the Veterans of the Serbian Liberation Wars of 1912-1920 and Their Descendants and the Alliance of the Associations of the Veterans of the People's Liberation War of Yugoslavia.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

95-28083 (E) 150995

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Annex

FEDERAL REPUBLIC OF YUGOSLAVIA

THE ALLIANCE OF THE ASSOCIATIONS OF VETERANS OF THE SERBIAN LIBERATION WARS OF 1912-1920 AND THEIR DESCENDANTS

FEDERAL BRANCH OF SUBNOR OF YUGOSLAVIA

Belgrade, 12 September 1995

We are taking the liberty of sending you, attached herewith, the Protest of the Alliance of Veterans of the 1941-1945 People's Liberation War of Yugoslavia (SUBNOR) and the Alliance of Veterans of the Serbian Liberation Wars of 1912-1920 and Their Descendants, adopted at their joint rally in the wake of the air and other attacks of NATO against the Republic of Srpska.

Confident that you will demonstrate understanding and readiness to acknowledge the facts presented herewith, we urge you to inform the President and other members of the Security Council of the positions advanced in our Protest.

President of the Alliance of Veterans
of the Serbian Liberation Wars of
1912-1920 and Their Descendants

Stojan Svetozarevic

President of the Federal Branch of
SUBNOR

Milosav Bojic

Appendix

PROTEST

of the SUBNOR of Yugoslavia and the Alliance of the Association of Veterans of the Serbian Liberation Wars of 1912-1920 to the United Nations Security Council and the European Union

Massive strikes of NATO formations against the vital facilities - installations including even hospitals, schools, refugee camps and children's institutions in the Republic of Srpska, exceed by far the mandate of the United Nations and the European Union, and have profoundly outraged the veterans of the People's Liberation War and the Serbian Liberation Wars, as well as the citizens of Yugoslavia. The concern and indignation have been additionally heightened since those merciless and unjustified attacks came at the very moment when the successful agreement in Geneva of the three parties to the conflict and the relevant international factors have shown that reason prevailed and that the existence of the Republic of Srpska has been officially acknowledged. The just struggle of the Serb people has thus been recognized as well as the huge contribution to the policy of peace pursued by the Federal Republic of Yugoslavia and its negotiating team with Slobodan Milosevic at the helm.

It is inexplicable and hypocritical that the NATO aggression should come at a time when negotiations are in progress and when major steps are made along the road to the ultimate peaceful resolution, in the name of peace and the United Nations, which have been created with a goal of assisting and protecting the peoples who are endangered and not to give in to the militants implicated even in the war crimes. Obviously, the goal of this military intervention is to reduce the defence capabilities and weaken the negotiating position of the Republic of Srpska, while increasing the number of the destitute refugees and the exiled. The brutality and scope of destruction of the military intervention of the NATO forces is reminiscent of the worst crimes and massacres conducted by the Nazi and fascist aggressors that were condemned at the time by our Second World War allies. Such extensive use of force and variety of weapons in order to exterminate an innocent people who deliberately, for the sake of peace, do not offer any resistance, represents an unscrupulous act of cowardice. Therefore all true champions of peace and equality among peoples, nations and States reject with aversion the policy of violence, genocide and terror.

We protest in the strongest terms in the wake of NATO's outrageous atrocious intervention, which further undermines the already shaken credibility of the peaceful role of the United Nations and its bodies. On this occasion, we energetically demand that the senseless attacks against the Republic of Srpska be stopped and that the initiated peace process be immediately stepped up in order to arrive at a peaceful solution to this war drama.

THE ALLIANCE OF THE VETERANS OF THE SERB LIBERATION WARS OF 1912-1920 AND DESCENDANTS

THE ALLIANCE OF THE ASSOCIATION OF THE VETERANS OF THE PEOPLE'S WAR OF YUGOSLAVIA

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GENERAL

S/1995/798
15 September 1995

ORIGINAL: ENGLISH

LETTER DATED 15 SEPTEMBER 1995 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government, I am writing to you to convey the strong protest concerning the latest violations of the territorial integrity of the Federal Republic of Yugoslavia.

According to the information of the Army of Yugoslavia, on 11 September 1995 from 9.06 to 9.10 a.m., the airspace above the territorial waters of the Federal Republic of Yugoslavia was violated in the area of Petrovac/Bar. The helicopter, seemingly a North Atlantic Treaty Organization (NATO) surveillance aircraft, penetrated 8 to 10 km into Yugoslav territory, at an altitude of 1,200 metres, flying at 250 km/hour, making a right turn before leaving Yugoslav airspace.

On the same day, at 10.45 a.m., two soldiers of the United Nations mission deployed in the former Yugoslav Republic of Macedonia made an incursion approximately 300 metres into Yugoslav territory in the area of the Brezovica border post (municipality of Urosevac). They justified their incursion by saying that they allegedly did not know where the border was and that the Lake of Strbac, where they crossed over, was in Macedonian territory. Their request to be picked up by the United Nations helicopter, which in the meantime approached the border on the Macedonian side, was not granted by the Yugoslav army border units. the United Nations soldiers were then sent across the borderline into the former Yugoslav Republic of Macedonia.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

95-28089 (E) 150995 180995

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Distr.
GENERAL

S/1995/799
16 September 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted in pursuance of Security Council resolution 999 (1995) of 16 June 1995, in which the Council requested me to report every three months on the progress towards national reconciliation and on the operations of the United Nations Mission of Observers in Tajikistan (UNMOT). It provides an account of the activities of my Special Envoy for Tajikistan and of UNMOT since my last report of 10 June (S/1995/472 and Corr.1 and Add.1).

II. NEGOTIATING PROCESS

2. The lack of progress in addressing the fundamental political problems during the fourth round of inter-Tajik negotiations at Almaty from 22 May to 1 June, about which I informed the Council in my previous report, as well as continued tension along the Tajik-Afghan border and inside Tajikistan, created a stalemate in the negotiating process and in the implementation of the confidence-building measures agreed upon at Almaty.

3. During the official visit of the President of the Republic of Tajikistan, Mr. Emomali Rakhmonov, to Tehran, the Government of the Islamic Republic of Iran mediated in arranging a meeting on 19 July between him and the leader of the Tajik opposition, Mr. Abdullo Nuri, in an effort to facilitate the inter-Tajik political dialogue. In the joint statement agreed upon as a result of the meeting, both sides confirmed their readiness to take concrete measures for the comprehensive implementation of the agreements that had been reached before and for the continuation of peaceful negotiations. They also agreed to establish a consultative forum of Tajik peoples to facilitate the finding of a solution to the political and social crisis in Tajikistan. It was decided that the modalities of the forum would be worked out during the fifth round of inter-Tajik talks.

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4. From 2 to 17 August, indirect talks were arranged between President Rakhmonov and Mr. Nuri. The negotiations were conducted through the good offices of my Special Envoy, Mr. Ramiro Píriz-Ballón, which required him to shuttle between Dushanbe and Kabul four times. The difficult negotiations concluded with the signing of a protocol on the fundamental principles for establishing peace and national accord in Tajikistan (S/1995/720, annex) by the two leaders at Dushanbe and Kabul.

5. In the protocol, the two sides agreed on the fundamental principles for a comprehensive political solution of the conflict and concluded that further negotiations should result in the signing of a general agreement on the establishment of peace and national accord in Tajikistan. The Government assumed the obligation to refrain from carrying out any acts that would run counter to the provisions of the protocols being concluded and from adopting laws or measures that might be incompatible with those protocols. The Tajik opposition, for its part, undertook to wage a political struggle by exclusively peaceful means, in accordance with the laws in force in Tajikistan and in conformity with the conditions and guarantees laid down in the general agreement.

6. The two sides agreed that the general agreement would consist of seven separate protocols on the following groups of problems: (a) fundamental principles for establishing peace and national accord; (b) political problems; (c) military problems; (d) repatriation and reintegration of refugees; (e) a commission on monitoring and control; (f) guarantees; and (g) a donor conference. By signing the first of these protocols, the President of Tajikistan and the leader of the opposition agreed on the main parameters of other clusters of problems that would be negotiated in the future.

7. During the negotiations, the two sides also agreed to extend the Agreement on a Temporary Cease-fire and the Cessation of Other Hostile Acts of 17 September 1994 (the "Tehran Agreement") (S/1994/1102, annex I) for another six months, until 26 February 1996.

8. The Tajik parties agreed with the proposal of my Special Envoy to modify the format of inter-Tajik negotiations. They were to resume in a continuous round beginning on 18 September 1995. However, the issue of the venue for the negotiations remains unresolved, thus threatening to interrupt the peace process. The Government of Tajikistan turned down the proposal of the opposition to hold the next round of negotiations at Tehran and in its turn suggested holding them at Ashkhabad or Moscow. In a meeting with me on 28 July, the Foreign Minister of Turkmenistan confirmed the interest of his Government in hosting the next round of inter-Tajik talks in his capital. However, the Tajik opposition, during the last round of consultations at Kabul, ruled out the possibility of holding them at Ashkhabad. In order to break the deadlock, my Special Envoy has suggested conducting the continuous negotiations at the United Nations premises at Vienna. In addition, the Government of Austria has generously offered to provide accommodation and logistic support to the two delegations. The opposition side has accepted this compromise proposal. In a letter dated 7 September addressed to me, Mr. Nuri did not exclude the possibility of holding some future negotiations at Ashkhabad and invited Turkmenistan to participate in the negotiating process as an observer country.

However, he firmly stated that the decisive stage of negotiations should take place in a neutral location - Vienna. He also reiterated the proposal of the opposition to consider Tehran or Almaty as possible reserve venues, if the Government rejected Vienna for some reason. On 8 September, my Special Envoy received a letter from President Rakhmonov in which he reiterated the position of his Government regarding Ashkhabad as the venue for continuous inter-Tajik talks. My Special Envoy is currently engaged in negotiations with the Tajik parties and others concerned in order to find a way out of the deadlock on the problem of venue.

III. MAINTENANCE OF THE CEASE-FIRE AND ACTIVITIES OF THE UNITED NATIONS MISSION OF OBSERVERS IN TAJIKISTAN

9. The situation in Tajikistan continued to be relatively stable. UNMOT and the Joint Commission of the Tajik parties received 61 complaints of violations of the cease-fire agreement since my last report. The complaints submitted by the Government dealt mainly with cross-border infiltration of opposition fighters and their movement within Tajikistan. The complaints submitted by the opposition were mainly about the detention of persons without charge and their treatment while in detention. In most cases, however, investigation yielded very little evidence and it was not possible to confirm the facts.

10. The situation in Gorny Badakhshan remains complicated. In this autonomous province the authorities and the opposition forces coexist side by side. The latter move about openly, especially in the Vanj area, where the Islamic Revival Movement enjoys strong support, and in the southern part of the province, where the so-called self-defence forces operate; the latter have their headquarters in the provincial capital, Khorog. The opposition makes no secret of the fact that their fighters routinely cross the border between Afghanistan and Gorny Badakhshan. UNMOT has also received credible reports from various sources that, prior to the onset of winter, opposition commanders and their fighters have been redeploying in recent weeks from the area of Vanj to the central Karategin valley. Such redeployments, as well as the crossing of the border, are prohibited under the cease-fire agreement. UNMOT has not been able to determine the numbers involved, but they are judged to be relatively limited.

11. The task of guarding the border in Gorny Badakhshan falls mainly to the Russian border forces, augmented in certain areas by Tajik border forces. The Russian border forces are deployed along the Pyanj river and at the entrances of the valleys formed by its tributaries. The Tajik border forces have seen minor redeployments in June and July, which are also prohibited under the cease-fire agreement. One such redeployment occurred in June, when a unit was stationed near Rushan. This unit consists largely of personnel drawn from the self-defence forces, including its commander, and enjoys local support. Its deployment has had the effect of keeping the Rushan area quite calm.

12. Despite the proximity of the opposing forces to each other, there were no major clashes in Gorny Badakhshan. UNMOT teams in the area helped maintain contact between the sides and made every effort to minimize friction. On 17 August, an exchange of fire occurred in Khorog between the Russian border

forces and the self-defence forces. The UNMOT team in Khorog intervened and helped to end the incident.

13. From time to time, the Russian border forces fired shells or rockets across the Pyanj river into Afghanistan for the stated purpose of deterring opposition fighters or smugglers from crossing. There have been indications that such shelling has caused casualties and damage. Outside Gorny Badakhshan, such shelling was carried out in the area of Pyanj, although less frequently than in the past. On two occasions, the post of the Russian border forces in the Moskovskiy district was attacked by rocket fire from Afghan territory, resulting in casualties.

14. A tense situation developed at the end of June in the Garm district, involving a series of killings and clashes between local armed groups and government security forces. In early July, the Joint Commission carried out investigations. UNMOT intervened actively with the authorities at Garm and Dushanbe and with the local leaders and the opposition leadership at Taloqan (northern Afghanistan) in order to stabilize the situation. This was achieved by the end of July.

15. In Kurgan-Tyube, a conflict developed in June following the assassination of a commander of the security forces and the subsequent arrest by those forces of a delegate to the regional parliament. A brigade was deployed to the area by the Ministry of Defence and after intense negotiations the situation was brought under control. The negotiations were led by a field officer of the Office of the United Nations High Commissioner for Refugees (UNHCR) who was stationed at Kurgan-Tyube and was assisted by UNMOT. However, tension persisted between the first and eleventh brigades of the Tajik army, including a lengthy exchange of fire on 1 September. The Government has announced that both brigades are to be withdrawn from the area.

Joint Commission

16. As decided by the two parties during the high-level meeting in Moscow in April 1995, the Joint Commission was expanded to 14 members. Four members are permanently located in Gorny Badakhshan, two in Khorog and two in Vanj.

17. From mid-June to mid-August, UNMOT, through the Joint Commission and with the participation of the International Committee of the Red Cross (ICRC), pursued vigorously the exchange of prisoners agreed at Almaty in May. However, the Joint Commission was deadlocked on the lists of prisoners to be exchanged from each side and in mid-August both sides decided to defer the matter to their respective leaderships. On the Government's initiative, the Joint Commission reverted to the matter in early September but, so far, without result.

18. UNMOT continued to assist the Joint Commission actively in its work by facilitating its meetings and administering the voluntary trust fund established to support its activities. The Commission continues to be hampered by lack of office space and logistic support, which is to be provided by the Government. Pending resolution of the problem, UNMOT has made its premises available for the Commission's meetings.

Organizational aspects

19. As at 31 August 1995, UNMOT personnel numbered 87 overall, including its full complement of 40 military observers drawn from Austria (6), Bangladesh (7), Bulgaria (4), Denmark (4), Jordan (6), Poland (2), Switzerland (3), Ukraine (3) and Uruguay (5). Mr. Darko Silovic continued as Head of Mission. Brigadier-General Hasan Abaza (Jordan) continued as Chief Military Observer. In addition to its headquarters in Dushanbe, UNMOT maintained teams in Garm, Kalaikhumb, Khorog, Kurgan-Tyube, Moskovskiy and Pyanj; an additional team was stationed in August in Vanj (see attached map).

20. During the meetings of my Special Envoy with the President of the Islamic State of Afghanistan, Mr. Burhamuddin Rabbani, and the Foreign Minister, Mr. Najibullah Lafraie, in August, the Afghan officials agreed that UNMOT could open a small liaison post in Taloqan (northern Afghanistan) with the exclusive task of dealing with the Tajik problem. The Secretariat is in touch with the Afghan authorities to discuss the modalities, including the question of the status of UNMOT personnel. With reference to paragraph 12 of resolution 999 (1995), I propose that the Security Council authorize me to establish the liaison post once the discussions with the Afghan authorities have been concluded.

21. As a result of the establishment of the posts in Vanj and Taloqan, as well as a significant increase in the overall volume of work, UNMOT capacity is being severely stretched and needs to be strengthened. I intend therefore to seek the necessary budgetary authority for a small increase in UNMOT staff of five military observers and three civil affairs officers.

IV. OBSERVATIONS

22. The results of the meting between President Rakhmonov and Mr. Nuri at Tehran and, in particular, of their indirect talks through the good offices of my Special Envoy are a substantive stage in the process of restoration of peace and national reconciliation in Tajikistan. The protocol on the fundamental principles for establishing peace and national accord in Tajikistan serves as an important framework for the continuous negotiation on a comprehensive peace agreement, and the extension of the cease-fire agreement for another six months provides the parties with sufficient time. I should like to express my appreciation to the countries acting as observers at the inter-Tajik talks, which significantly contributed to reaching the above agreements between the Tajik parties.

23. The signing of the protocol and the extension of the cease-fire agreement for another six months are clear proof that the Tajik sides want to resolve their problems peacefully. However, in view of the continued breaches in the implementation of the Tehran Agreement, I call on the parties to comply strictly with the obligations assumed under this Agreement, including the cessation of all acts of violence on the Tajik-Afghan border and within the country.

24. It is of paramount importance now not to lose momentum in the negotiating process and to resume the talks in the new format as soon as possible. In view

of the continued differences between the two sides on the issue of venue, I suggest holding them at United Nations premises at Vienna. I have taken note of the positive reply of the Tajik opposition to this proposal and hope that the Government will also accept it. I have instructed my Special Envoy to undertake the necessary consultations as soon as possible with the Tajik parties and others concerned.

25. I am very concerned about the delays in the implementation of the important confidence-building measures agreed upon during the fourth round of inter-Tajik talks at Almaty. Further inaction of the two sides may undermine the credibility of the whole negotiating process and negatively impact the prospects for progress on substantive political and institutional issues. I appeal to President Rakhmonov and Mr. Nuri to undertake the necessary steps for the early implementation of the confidence-building measures.

26. The inter-Tajik negotiations have entered their most complicated and decisive phase, when the fundamental political problems are to be addressed. Therefore, no time should be lost. Any pretexts that could lead to delays might have grave consequences. In this context, I wish to emphasize that the primary responsibility for resolving their differences rests with the Tajik parties themselves, who are responsible for the future of their country.

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LETTER DATED 18 SEPTEMBER 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Pursuant to our meeting of 15 September 1995, I have the honour to present to you a letter dated 15 September 1995, from His Excellency Mr. Muhamed Sacirbey, Minister of Foreign Affairs of the Republic of Bosnia and Herzegovina, addressed to you.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Ivan Z. MISIC
Ambassador
Chargé d'Affaires a.i.

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Annex

Letter dated 15 September 1995 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council

Our Representative, Ambassador Ivan Misic, has informed us of certain issues that Your Excellency has raised with him this past Friday, 15 September 1995. With respect to these issues we would like to provide you with the following:

The Army of the Republic of Bosnia and Herzegovina is acting fully within its sovereign authority and obligation to defend the territorial integrity of the Republic of Bosnia and Herzegovina. Actions of the Army of the Republic of Bosnia and Herzegovina are intended to minimize the effect upon all civilians. We fully encourage all civilians to remain in their homes, regardless of ethnicity or religion, and are prepared to coordinate with the appropriate international humanitarian agencies, the management of conditions that facilitate this goal. As for any situation where civilians find themselves in a "no-man's land", as, according to your information, may be the case in the area of Jajce/Donji Vakuf, we are not in a position to directly access the area and cannot confirm the facts. None the less, on behalf of the Government of the Republic of Bosnia and Herzegovina, we are prepared to invite the International Committee of the Red Cross (ICRC) to investigate the situation on the territory of the sovereign Bosnia and Herzegovina. If the situation necessitates, we are prepared to coordinate with the ICRC the return of all civilians to their homes or to assist their travel to wherever they may desire.

(Signed) Muhamed SACIRBEY
Minister